



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2373

Introduced 2/16/2005, by Rep. William Delgado

SYNOPSIS AS INTRODUCED:

305 ILCS 5/11-4	from Ch. 23, par. 11-4
305 ILCS 5/11-6	from Ch. 23, par. 11-6
305 ILCS 5/11-15	from Ch. 23, par. 11-15
305 ILCS 5/11-16	from Ch. 23, par. 11-16
305 ILCS 5/11-28	from Ch. 23, par. 11-28
305 ILCS 5/12-4.4	from Ch. 23, par. 12-4.4
305 ILCS 5/12-4.7e new	

Amends the Illinois Public Aid Code. Provides that the application-for-assistance process must be completed before and separately from the provision of and coordination of social and employment services, and provides that coordination of those services must begin no later than 2 weeks after a favorable determination on an application for assistance. Requires the Department of Human Services to provide by rule for a system under which signatures on applications for assistance may be submitted in person or by mail, facsimile, or electronic transmission, and provides that any such signature shall be sufficient to commence the application process. Provides that an application for any assistance under the Code may be filed at any local office of the Department of Human Services, and provides that following the initial eligibility determination, a recipient may choose to have his or her case assigned to any Department of Human Services office; provides that within 5 days after the assignment of a case, the Department must assign a caseworker, make appropriate case entries into the computer system, and generate a letter to the recipient containing the name and contact information for the caseworker. Provides for coordination of eligibility redeterminations by the Departments of Human Services and Public Aid. Requires the Department of Public Aid and the Department of Human Services to convene a task force to formulate a plan to simplify and make as uniform as possible the rules governing the counting of income for purposes of determining eligibility and benefit levels in means-tested public benefit programs for which the 2 departments are responsible. Makes other changes. Effective immediately.

LRB094 06396 DRJ 39312 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 11-4, 11-6, 11-15, 11-16, 11-28, and 12-4.4
6 and by adding Section 12-4.7e as follows:

7 (305 ILCS 5/11-4) (from Ch. 23, par. 11-4)

8 Sec. 11-4. Applications; assistance in making
9 applications. An application for public assistance shall be
10 deemed an application for all such benefits to which any person
11 may be entitled except to the extent that the applicant
12 expressly declines in writing to apply for particular benefits.
13 The Illinois Department shall provide information in writing
14 about all benefits provided under this Code to any person
15 seeking public assistance. The Illinois Department shall also
16 provide information in writing and orally to all applicants
17 about an election to have financial aid deposited directly in a
18 recipient's savings account or checking account or in any
19 electronic benefits account or accounts as provided in Section
20 11-3.1, to the extent that those elections are actually
21 available, including information on any programs administered
22 by the State Treasurer to facilitate or encourage the
23 distribution of financial aid by direct deposit or electronic
24 benefits transfer. The Illinois Department shall determine the
25 applicant's eligibility for cash assistance, medical
26 assistance and food stamps unless the applicant expressly
27 declines in writing to apply for particular benefits. The
28 Illinois Department shall adopt policies and procedures to
29 facilitate timely changes between programs that result from
30 changes in categorical eligibility factors.

31 The County departments, local governmental units and the
32 Illinois Department shall assist applicants for public

1 assistance to properly complete their applications. Such
2 assistance shall include, but not be limited to, assistance in
3 securing evidence in support of their eligibility.

4 The application process described in this Section and in
5 Sections 11-5, 11-6, and 11-15 shall be completed before and
6 separately from the provision of and coordination of social and
7 employment services under Article IX or IXA. Service
8 coordination under those Articles or otherwise shall begin no
9 later than 2 weeks after a favorable determination on an
10 application for assistance. The Department of Human Services
11 may provide by rule for exceptions to this requirement with
12 respect to programs and services designed to address
13 emergencies. The Department of Human Services shall modify
14 application forms and procedures, as necessary, to conform to
15 this paragraph.

16 (Source: P.A. 88-232.)

17 (305 ILCS 5/11-6) (from Ch. 23, par. 11-6)

18 Sec. 11-6. Decisions on applications. Within 10 days after
19 a decision is reached on an application, the applicant shall be
20 notified in writing of the decision. The Department shall
21 consider eligibility for, and the notice shall contain a
22 decision on, each of the following assistance programs for
23 which the client may be eligible based on the information
24 contained in the application: Temporary Assistance to Needy
25 Families, Medical Assistance, Aid to the Aged, Blind and
26 Disabled, General Assistance (in the City of Chicago), and food
27 stamps. No decision shall be required for any assistance
28 program for which the applicant has expressly declined in
29 writing to apply. If the applicant is determined to be
30 eligible, the notice shall include a statement of the amount of
31 financial aid to be provided and a statement of the reasons for
32 any partial grant amounts. If the applicant is determined
33 ineligible for any public assistance the notice shall include
34 the reason why the applicant is ineligible. If the application
35 for any public assistance is denied, the notice shall include a

1 statement defining the applicant's right to appeal the
2 decision. The Illinois Department of Human Services, by rule,
3 shall determine the date on which assistance shall begin for
4 applicants determined eligible, but that date shall be no later
5 than the date on which eligibility is determined or. ~~That date~~
6 ~~may be no later than~~ 30 days after the date of the application,
7 whichever is earlier.

8 Under no circumstances may any application be denied solely
9 to meet an application-processing deadline.

10 (Source: P.A. 90-17, eff. 7-1-97.)

11 (305 ILCS 5/11-15) (from Ch. 23, par. 11-15)

12 Sec. 11-15. Application requirements.

13 (1) An application for financial aid shall be filed in
14 writing by the person requesting aid and, in the case of a
15 request for family aid, by the head of that family, except as
16 otherwise permitted in paragraph (2). Applications for aid
17 under Articles III, IV, and V shall be filed in writing with
18 the county department of the county in which the applicant
19 resides in the manner prescribed by the Illinois Department.
20 Applications for aid under Article VI shall be filed in writing
21 with the local governmental unit upon forms approved by the
22 Illinois Department.

23 Each applicant shall provide information as to the amount
24 of property, real and personal, owned by him or her within the
25 period of time preceding the application as required under
26 Sections 3-1.3, 4-1.11, and 5-2.1 of this Code. The applicant
27 shall also furnish information concerning all income, money
28 contributions, and other support from any source, and the
29 beneficiary and the amount or cash surrender or loan value of
30 all insurance policies held by himself or herself or any member
31 of his family for whom aid is requested.

32 (2) An application, in all instances to be in writing, may
33 be filed in behalf of a person considered to be in need of
34 financial aid under Articles III, IV, V, or VI only if the
35 person

- 1 (a) has been adjudged to be under legal disability; or
2 (b) is unable because of minority or physical or mental
3 disability, to execute the application; or
4 (c) in the case of need for funeral and burial, died
5 before an application was filed and the application is
6 filed not more than 30 days after the person's death,
7 excluding the day on which the death occurred.

8 Applications in behalf of persons specified in (a) and (b)
9 shall be filed by the applicant's legal guardian or, if a
10 guardian has not been appointed or the applicant has no legal
11 guardian or the guardian is not available, by a relative or
12 other person, acceptable under the rules of the Illinois
13 Department, who is able to furnish the required information.
14 Applications in behalf of persons specified in (c) shall be
15 filed by any next of kin of the deceased who is not under legal
16 disability or, if there are no such next of kin or they are
17 unknown or unavailable, by a person, acceptable under the rules
18 of the Illinois Department, who is able to furnish the required
19 information.

20 (3) The application shall contain a written declaration to
21 be signed by the applicant, or in behalf of the applicant by a
22 person qualified under paragraph (2), in substantially the
23 following form, the parenthetical references being applicable
24 to an application filed by a person in behalf of the applicant:

25 "I declare under penalties of perjury that I have examined
26 this form and all accompanying statements or documents
27 pertaining to the income and resources of myself (the
28 applicant) or any member of my family (the applicant's family)
29 included in this application for aid, or pertaining to any
30 other matter having bearing upon my (the applicant's)
31 eligibility for aid, and to the best of my knowledge and belief
32 the information supplied is true, correct, and complete".

33 The Department of Human Services shall provide by rule for
34 a system under which signatures on applications may be
35 submitted in person or by mail, facsimile, or electronic
36 transmission. Any such signature shall be sufficient to

1 commence the application process regardless of any requirement
2 for subsequent verification that the Department of Human
3 Services may adopt. Notwithstanding this or any other
4 requirement of this Code, the Department of Human Services
5 shall assign as the "date of application" for any application
6 for assistance the date on which the individual or family first
7 contacted the Department with the intention to apply for
8 benefits, whether that contact was in person or by telephone,
9 mail, facsimile, or electronic transmission, whichever is the
10 earliest date. Notwithstanding this or any other requirement of
11 this Code, the Department of Human Services shall also assign
12 as the "date of application" for any application for assistance
13 the date on which the individual or family first contacted a
14 nonprofit community-based partner, (that is, one that has
15 contracted with the Department to provide outreach and
16 application assistance) with the intention to apply for
17 benefits, whether that contact was in person or by telephone,
18 mail, facsimile, or electronic transmission, whichever is the
19 earliest date.

20 (4) If an application for financial aid is filed for a
21 family, and any person in that family is under 18 years of age,
22 the application shall be accompanied by the following for each
23 such person under 18 years of age:

24 (i) a copy of the person's birth certificate, or

25 (ii) other reliable proof, as determined by the
26 Department, of the person's identity and age.

27 The Department of Human Services may allow an applicant to
28 establish age and citizenship by declaring the information and
29 providing a Social Security Number, provided that applicants
30 who are applying for family members and not for themselves may
31 not be required to provide a Social Security Number.

32 (5) The Illinois Department shall provide information to
33 all families, orally by an intake worker and in writing when
34 the application is filed, about the availability and location
35 of immunization services.

36 (6) An application for any assistance under this Code may

1 be filed at any local office of the Department of Human
2 Services. Following the initial eligibility determination, a
3 recipient may choose to have his or her case assigned to any
4 Department of Human Services office. Within 5 days after the
5 assignment of a case, the Department shall assign a caseworker,
6 make appropriate case entries into the computer system, and
7 generate a letter to the recipient containing the name and
8 contact information for the caseworker.

9 (Source: P.A. 92-111, eff. 1-1-02.)

10 (305 ILCS 5/11-16) (from Ch. 23, par. 11-16)

11 Sec. 11-16. Changes in grants; cancellations, revocations,
12 suspensions.

13 (a) All grants of financial aid under this Code shall be
14 considered as frequently as may be required by the rules of the
15 Illinois Department of Human Services. The Department of Human
16 Services ~~Public Aid~~ shall consider grants of financial aid to
17 children who are eligible under Article V of this Code at least
18 annually and shall take into account those reports filed, or
19 required to be filed, pursuant to Sections 11-18 and 11-19. The
20 Department of Human Services shall accept reports of the income
21 of families eligible under Article V made under this Section or
22 Section 11-18 or 11-19 without requiring supporting
23 documentation such as pay stubs. The Department may conduct
24 subsequent investigations of the accuracy of those reports
25 through computer cross-matches or other means, however. To the
26 extent an in-person visit is not required by law, the
27 Department of Human Services shall provide recipients under any
28 program covered by this Code with the option to complete
29 eligibility redeterminations and provide the reports required
30 pursuant to Sections 11-18 and 11-19 in person or by mail,
31 telephone, facsimile, or electronic transmission.

32 After such investigation as may be necessary, the amount
33 and manner of giving aid may be changed or the aid may be
34 entirely withdrawn if the County Department, local
35 governmental unit, or Illinois Department of Human Services

1 finds that the recipient's circumstances have altered
2 sufficiently to warrant such action. Financial aid may at any
3 time be canceled or revoked for cause or suspended for such
4 period as may be proper.

5 On and after January 1, 2006, (i) to the extent permitted
6 by federal law, regulations, and requirements for maximum
7 federal financial participation and (ii) to the extent that it
8 does not result in reduced benefits for program participants,
9 the Department of Public Aid and the Department of Human
10 Services shall coordinate redeterminations of eligibility for
11 multiple programs, and, to that end, the Departments shall
12 utilize information from an eligibility redetermination for
13 any means-tested benefit program administered by either
14 Department to simultaneously redetermine eligibility for all
15 other benefit programs administered by either Department in
16 which the recipient participates.

17 (b) Whenever any such grant of financial aid is cancelled,
18 revoked, reduced, or terminated because of the failure of the
19 recipient to cooperate with the Department, including but not
20 limited to the failure to keep an appointment, attend a
21 meeting, or produce proof or verification of eligibility or
22 need, the grant shall be reinstated in full, retroactive to the
23 date of the change in or termination of the grant, provided
24 that within 10 working days after the first day the financial
25 aid would have been available, the recipient cooperates with
26 the Department and is not otherwise ineligible for benefits for
27 the period in question. This subsection (b) does not apply to
28 sanctions imposed for the failure of any recipient to
29 participate as required in the child support enforcement
30 program or in any educational, training, or employment program
31 under this Code or any other sanction under Section 4-21, nor
32 does this subsection (b) apply to any cancellation, revocation,
33 reduction, termination, or sanction imposed for the failure of
34 any recipient to cooperate in the monthly reporting process or
35 the quarterly reporting process.

36 (Source: P.A. 91-357, eff. 7-29-99; 92-597, eff. 6-28-02.)

1 (305 ILCS 5/11-28) (from Ch. 23, par. 11-28)

2 Sec. 11-28. Recipient Bill of Rights. The Illinois
3 Department shall promulgate a Bill of Rights for Public Aid
4 recipients which provides basic information about financial
5 and medical assistance and other social services which are
6 available through the Illinois Department and the rights of
7 recipients of and applicants for assistance or social services
8 to due process in reviewing and contesting decisions or actions
9 of the Illinois Department or a County Department. The Bill of
10 Rights also shall contain provisions to insure that all
11 recipients and applicants are treated with dignity and
12 fairness. Copies of the Bill of Rights shall be prominently
13 posted in each County Department and other local service office
14 maintained by the Illinois Department or a County Department so
15 that it will be legible to recipients and applicants.

16 The Department of Human Services shall create a telephone
17 hotline of recorded messages containing the information in the
18 recipient Bill of Rights and any other important information
19 about programs and policies and client rights and
20 responsibilities. The messages shall be in English and Spanish,
21 and the hotline shall also provide for a referral for
22 translation assistance for those whose primary language is
23 neither English nor Spanish.

24 (Source: P.A. 87-528.)

25 (305 ILCS 5/12-4.4) (from Ch. 23, par. 12-4.4)

26 Sec. 12-4.4. Administration of federally-aided programs.
27 Direct County Departments of Public Aid in the administration
28 of the federally funded food stamp program, programs to aid
29 refugees and Articles III, IV, and V of this Code. To the
30 extent allowed by federal law governing the food stamp program,
31 the Department of Human Services shall by rule provide that
32 eligibility periods for food stamp cases with earned income
33 shall cover a full year after the initial application is
34 approved and shall undergo eligibility recertification at

1 one-year intervals thereafter. If, within the year of
2 eligibility, the circumstances of the recipient change,
3 resulting in eligibility for increased benefits, the recipient
4 may request an increase in benefits form the Department of
5 Human Services based on the changed circumstances. This request
6 need not be in writing. The Department of Human Services may
7 provide by rule for categories of exceptions involving more
8 frequent recertifications to minimize errors or fraud. To the
9 extent allowed by federal law, the Department of Human Services
10 shall offer clients the option to complete any necessary
11 eligibility or recertification interviews for the food stamp
12 program in person or by telephone. The Department of Human
13 Services shall conduct these interviews in the manner chosen by
14 the client, except that the Department of Human Services may
15 specify by rule other exceptions indicated by an applicant's or
16 recipient's circumstances that require an in-person interview.

17 The Illinois Department of Human Services shall operate a
18 Food Stamp Employment and Training (FSE&T) program in
19 compliance with federal law. The FSE&T program will have an
20 Earnfare component. The Earnfare component shall be available
21 in selected geographic areas based on criteria established by
22 the Illinois Department of Human Services by rule. Participants
23 in Earnfare will, to the extent resources allow, earn their
24 assistance. Participation in the Earnfare program is
25 voluntary, except when ordered by a court of competent
26 jurisdiction. Eligibility for Earnfare may be limited to only 6
27 months out of any 12 consecutive month period. Clients are not
28 entitled to be placed in an Earnfare slot. Earnfare slots shall
29 be made available only as resources permit. Earnfare shall be
30 available to persons receiving food stamps who meet eligibility
31 criteria established by the Illinois Department of Human
32 Services by rule. The Illinois Department may, by rule, extend
33 the Earnfare Program to clients who do not receive food stamps.
34 Receipt of food stamps is not an eligibility requirement of
35 Earnfare when a court of competent jurisdiction orders an
36 individual to participate in the Earnfare Program. To the

1 extent resources permit, the Earnfare program will allow
2 participants to engage in work-related activities to earn
3 monthly financial assistance payments and to improve
4 participants' employability in order for them to succeed in
5 obtaining employment. The Illinois Department of Human
6 Services may enter into contracts with other public agencies
7 including State agencies, with local governmental units, and
8 with not-for-profit community based organizations to carry out
9 the elements of the Program that the Department of Human
10 Services deems appropriate.

11 The Earnfare Program shall contain the following elements:

12 (1) To the extent resources allow and slots exist, the
13 Illinois Department of Human Services shall refer
14 recipients of food stamp assistance who meet eligibility
15 criteria, as established by rule. Receipt of food stamps is
16 not an eligibility requirement of Earnfare when a court of
17 competent jurisdiction orders an individual to participate
18 in the Earnfare Program.

19 (2) Persons participating in Earnfare shall engage in
20 employment assigned activities equal to the amount of the
21 food stamp benefits divided by the federal minimum wage and
22 subsequently shall earn minimum wage assistance for each
23 additional hour of performance in Earnfare activity.
24 Earnfare participants shall be offered the opportunity to
25 earn up to \$154. The Department of Human Services may
26 establish a higher amount by rule provided resources
27 permit. If a court of competent jurisdiction orders an
28 individual to participate in the Earnfare program, hours
29 engaged in employment assigned activities shall first be
30 applied for a \$50 payment made to the custodial parent as a
31 support obligation. If the individual receives food
32 stamps, the individual shall engage in employment assigned
33 activities equal to the amount of the food stamp benefits
34 divided by the federal minimum wage and subsequently shall
35 earn minimum wage assistance for each additional hour of
36 performance in Earnfare activity.

1 (3) To the extent appropriate slots are available, the
2 Illinois Department of Human Services shall assign
3 Earnfare participants to Earnfare activities based on an
4 assessment of the person's age, literacy, education,
5 educational achievement, job training, work experience,
6 and recent institutionalization, whenever these factors
7 are known to the Department of Human Services or to the
8 contractor and are relevant to the individual's success in
9 carrying out the assigned activities and in ultimately
10 obtaining employment.

11 (4) The Department of Human Services shall consider the
12 participant's preferences and personal employment goals in
13 making assignments to the extent administratively possible
14 and to the extent that resources allow.

15 (5) The Department of Human Services may enter into
16 cooperative agreements with local governmental units
17 (which may, in turn, enter into agreements with
18 not-for-profit community based organizations): with other
19 public, including State, agencies; directly with
20 not-for-profit community based organizations, and with
21 private employers to create Earnfare activities for
22 program participants.

23 (6) To the extent resources permit, the Department of
24 Human Services shall provide the Earnfare participants
25 with the costs of transportation in looking for work and in
26 getting to and from the assigned Earnfare job site and
27 initial expenses of employment.

28 (7) All income and asset limitations of the Federal
29 Food Stamp Program will govern continued Earnfare
30 participation, except that court ordered participants
31 shall participate for 6 months unless the court orders
32 otherwise.

33 (8) Earnfare participants shall not displace or
34 substitute for regular, full time or part time employees,
35 regardless of whether or not the employee is currently
36 working, on a leave of absence or in a position or similar

1 position where a layoff has taken place or the employer has
2 terminated the employment of any regular employee or
3 otherwise reduced its workforce with the effect of filling
4 the vacancy so created with a participant subsidized under
5 this program, or is or has been involved in a labor dispute
6 between a labor organization and the sponsor.

7 (9) Persons who fail to cooperate with the FSE&T
8 program shall become ineligible for food stamp assistance
9 according to Food Stamp regulations, and for Earnfare
10 participation. Failure to participate in Earnfare for all
11 of the hours assigned is not a failure to cooperate unless
12 so established by the employer pursuant to Department of
13 Human Services rules. If a person who is ordered by a court
14 of competent jurisdiction to participate in the Earnfare
15 Program fails to cooperate with the Program, the person
16 shall be referred to the court for failure to comply with
17 the court order.

18 (Source: P.A. 92-111, eff. 1-1-02.)

19 (305 ILCS 5/12-4.7e new)

20 Sec. 12-4.7e. Counting of income; task force.

21 (a) The General Assembly has created a number of programs
22 that provide benefits and services to low-income people and
23 families designed to encourage, support, and sustain their
24 efforts to improve their economic status through employment.
25 The General Assembly finds that, because of complex program
26 rules, agency staffing challenges, and other administrative
27 infrastructure issues, these programs are not being accessed in
28 a timely way by many eligible people. As a result, the intended
29 purposes of these programs are not being accomplished to the
30 fullest extent possible. People who may have been able to
31 sustain work or improve their earnings if they had gotten the
32 intended help from these programs are unable to do so. The
33 changes made by this amendatory Act of the 94th General
34 Assembly are intended to simplify program rules, improve
35 administrative infrastructure to deliver the programs, and

1 increase the timely utilization of the programs among eligible
2 people.

3 (b) The Department of Public Aid and the Department of
4 Human Services shall convene a task force to formulate a plan
5 to simplify and make as uniform as possible the rules governing
6 the counting of income for purposes of determining eligibility
7 and benefit levels in means-tested public benefit programs for
8 which the 2 departments are responsible. The task force shall
9 take into account and balance the following factors: (i) the
10 need to comply with federal law and regulations or seek waivers
11 of federal law and regulations in order to maximize federal
12 financial participation; and (ii) the need to minimize
13 administrative tasks for employees of and contractors with the
14 2 departments. If waivers of federal law and regulations are
15 needed in order to maximize the goals of simplification and
16 uniformity without loss of federal financial participation,
17 the plan shall include the elements and timing of such waivers.
18 In any event, changes adopted to promote simplification and
19 uniformity must not decrease the overall State investment in
20 these programs and must not result in a net decrease in
21 benefits for the substantial majority of recipients. The task
22 force shall complete its plan so that the 2 departments can
23 propose and adopt rule changes that will take effect no later
24 than January 1, 2006, except to the extent that the changes
25 depend on approval of waivers by the federal government, in
26 which case the changes shall be effective upon approval of
27 those waivers. The departments shall provide or arrange for
28 staff support for the task force.

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.